

## REMARKS

We are in receipt of the Office Action dated December 29, 2004, and the above amendments and following remarks are made in light thereof.

Claims 1, 20-26 and 33-42 are pending in the application. Pursuant to the Office Action, claims 38-42 are rejected under the judicially-created doctrine of obviousness-type double patenting over claims 26-30 of U.S. Patent No. 6,630,977 in view of Hiroshi U.S. Patent No. 5,995,186. Claims 1, 21, 33, 35 and 37 are rejected under 35 USC 102(e) as being anticipated by Hirakata et al. U.S. Patent No. 5,977,562. Claims 1, 20-22 and 33-37 are rejected under 35 USC 103(a) as being unpatentable over Sakamoto et al. U.S. Patent Application Publication No. 2002/0024627 in view of Hiroshi. Claims 23-26 are rejected under 35 USC 103(a) as being unpatentable over Sakamoto et al. in view of Hiroshi, and further in view of Asada et al. U.S. Patent No. 5,745,207. Claims 22 and 36 are rejected under 35 USC 103(a) as being unpatentable over Hirakata et al. Claims 20 and 34 are rejected under 35 USC 103(a) as being unpatentable over Hirakata et al. in view of Asada et al. In addition, the Examiner requires a new title that is clearly indicative of the invention to which the claims are directed. Further, claims 1 and 23 are objected to due to an informality.

Pursuant to the foregoing amendments, the title has been amended to "A Semiconductor Device." The informalities in claims 1 and 23, as noted by the Examiner, have also been corrected. With respect to the rejection of claims 38-42 for double patenting, Applicant respectfully requests that this rejection be held in abeyance until an indication of allowable subject matter is received. Applicant does note that claim 38 has been amended to call for first and second insulating layers. Support for this amendment is found in, e.g., Fig. 7B.

Turning to the rejection of claims 1, 21, 33, 35 and 37 under 35 USC 102(e) over Hirakata et al., the Examiner contends that Hirakata et al. disclose the capacitor formed by the

common electrode, the insulating film and the pixel electrode. By way of the foregoing amendment, claims 1 and 33 have been amended to recite a common electrode (460) over the first insulating layer; a second insulating layer (461) on the common electrode; and a pixel electrode (462) on the second insulating layer. Support for this amendment is found in, e.g., Fig. 7B. Hirakata et al do not teach or suggest a common electrode over the first insulating layer; a second insulating layer on the common electrode; and a pixel electrode on the second insulating layer. Therefore, Applicant submits that claims 1 and 33 distinguish over Hirakata et al. for at least this reason. Claims 21, 35 and 37, which depend from either claim 1 or claim 33, also distinguish over Hirakata et al. for at least this reason.

In addition, each of claims 1 and 33 has been amended to recite that the capacitor is formed around the contact hole in the first insulating layer. This feature is also supported by, e.g., Fig. 7B. Hirakata et al. do not teach or suggest this feature. Thus, claims 1, 21, 33, 35 and 37 all distinguish over Hirakata et al.

With respect to the rejection of claims 1, 20-22 and 33-37 under 35 USC 103(a) over Sakamoto et al. in view of Hiroshi, claims 1 and 33 have been amended to recite the capacitor comprising the common electrode, the second insulating layer and the pixel electrode, the capacitor formed around the contact hole in the first insulating layer. Support for this feature is found in, e.g., Fig. 7B.

In contrast, Sakamoto et al. teach that the electrodes partly overlap but do not teach a capacitor. Hiroshi does not teach a contact hole in the first insulating layer and a capacitor comprising the common electrode, the second insulating layer, and the pixel electrode. Accordingly, Applicant submits that claims 1 and 33 clearly distinguish the claimed inventions over Sakamoto et al. and Hiroshi. Claims 20-22, which depend from claim 1, and claims 34-37, which depend from claim 33, are also patentable over Sakamoto et al. and Hiroshi for at least

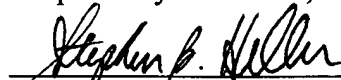
these same reason.

Turning to the rejection of claims 23-26 35 USC 103(a) over Sakamoto et al. in view of Hiroshi and further in view of Asada et al., claim 23 has been amended to recite a capacitor comprising the common electrode, the second insulating layer, and the pixel electrode, the capacitor formed around the contact hole in the first insulating layer wherein the common electrode and the pixel electrode have a zig-zag shape. Support for this limitation is found in, e.g., Figs. 1B and 14A. As noted above, Sakamoto et al. teach that the electrodes partly overlap but do not teach a capacitor. Hiroshi and Asada et al. do not teach a contact hole in the first insulating layer and a capacitor comprising the common electrode, the second insulating layer, and the pixel electrode. Accordingly, Applicant submits that claim 23, as amended, distinguishes over Sakamoto et al. in combination with Hiroshi and Asada et al. Claims 24-26, which depend from claim 23, also distinguish over these references for at least these same reasons.

Turning to the rejection of claims 22 and 36 under 35 USC 103(a) over Hirakata et al., and the rejection of claims 20 and 34 under 35 USC 103(a) over Hirakata et al. in view of Asada et al., each of these claims depends from either claim 1 or claim 33 which, for the reasons set forth above, are allowable over the art of record. Accordingly, Applicant submits that these claims are also allowable for at least the same reasons as their base claims are allowable.

Based upon the foregoing, Applicant respectfully submits that the claims are in condition for allowance, and an early Office Action in this regard is earnestly solicited.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Stephen B. Heller", is written over a horizontal line.

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